

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ROBERT QUILL,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 07-435-SLR
)	
CATHOLIC DIOCESE OF WILMINGTON, INC.,)	
ST. ELIZABETH'S CATHOLIC CHURCH,)	
Rev. FRANCIS G. DELUCA, and)	
Rev. MICHAEL A. SALTARELLI,)	
in his official capacity,)	
)	
Defendants.)	

**MOTION OF DEFENDANTS CATHOLIC DIOCESE OF WILMINGTON, INC.,
AND REV. MICHAEL A. SALTARELLI
FOR AN EXTENSION OF TIME TO ANSWER
OR OTHERWISE PLEAD IN RESPONSE TO THE FIRST AMENDED COMPLAINT**

Pursuant to FED. R. CIV. P. 7(b) and Local Rule 7.1.2(a), defendants Catholic Diocese of Wilmington, Inc., and Bishop Michael A. Saltarelli (the "Diocesan Defendants"), by and through their undersigned counsel, hereby move for an order extending until September 12, 2007, the time within which the Diocesan Defendants must answer or otherwise plead in response to the First Amended Complaint. In support of this Motion the Diocesan Defendants state:

1. This action was commenced on July 12, 2007, and service of process was made on the Diocesan Defendants on the same date. This action was commenced two days after the enactment of 10 DEL. C. § 8145, which retroactively revived plaintiff's time-barred claim.
2. The suit papers promptly were tendered by the Diocesan Defendants to their liability insurers, certain Underwriters at Lloyd's, London, and certain London Market Insurers. The Diocesan Defendants requested that their insurers afford a defense to this action, and appoint

defense counsel. To date, the Diocesan Defendants have not yet received any response from their insurers.

3. An answer or other pleading in response to the original Complaint would have been due on or before August 1, 2007. Pending a determination of who their defense counsel would be, the Diocesan Defendants requested, and plaintiff's counsel agreed, to a one-week extension, which was approved by this Court on August 1, 2007.

4. Before the one-week extension expired, plaintiff on August 8, 2007, filed a First Amended Complaint. An answer or other pleading in response to the First Amended Complaint currently is due on August 28, 2007.

5. To enable the Diocesan Defendants to confirm that their insurers will defend this action, or, at a minimum, to enable the Diocesan Defendants to retain counsel and proceed in a manner that provides no basis for their insurers to deny coverage, the Diocesan Defendants asked plaintiff's counsel for a further extension of ten (10) business days, until September 12, 2007. Plaintiff's counsel declined to grant any further extension of the answer deadline.

6. This is the first case filed under 10 DEL. C. § 8145, the new Delaware state law that provides a two-year window of opportunity during which child sex abuse claims barred by the prior law may be filed, regardless of when the alleged abuse occurred. Plaintiff's counsel has stated publicly that he has at least 25 such cases, and that there may be as many as 100 cases filed under the new law. The First Amended Complaint in this case includes 183 separately-numbered averments, all relating to alleged abuse that occurred more than 35 years ago. In light of the length and detail of the averments in the First Amended Complaint, the age of the facts and circumstances forming the basis for plaintiff's claim, the likelihood that this is the first of many such claims to which the Diocesan Defendants will have to respond, and the need to ensure

that they proceed in an appropriate manner regarding insurance coverage for this claim, it is imperative that the Diocesan Defendants have sufficient time to respond to the First Amended Complaint. A further extension of ten (10) business days is minimally necessary for this purpose, and in no way will prejudice the plaintiff.

WHEREFORE, defendants Catholic Diocese of Wilmington, Inc., and Bishop Michael A. Saltarelli respectfully request that this Court enter an order, in the form attached hereto, extending until September 12, 2007, the time within which these defendants may answer or otherwise plead in response to the First Amended Complaint.

YOUNG CONAWAY STARGATT & TAYLOR, LLC

/s/ Anthony G. Flynn

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Attorneys for Defendants
Catholic Diocese of Wilmington, Inc.
and Bishop Michael A. Saltarelli

DATED: August 27, 2007

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NOTICE OF MOTION

TO ALL COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT THE undersigned counsel will present the attached Motion of Defendants Catholic Diocese of Wilmington, Inc., and Bishop Michael A. Saltarelli for an Extension of Time to Answer or Otherwise Plead in Response to the First Amended Complaint at the convenience of the Court.

YOUNG CONAWAY STARGATT & TAYLOR, LLC

/s/ Anthony G. Flynn

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STATEMENT OF COUNSEL IN ACCORDANCE WITH LOCAL RULE 7.1.1

The undersigned hereby certifies that a reasonable effort was made to reach agreement with counsel for the opposing party on the matters set forth in the attached Motion of Defendants Catholic Diocese of Wilmington, Inc., and Bishop Michael A. Saltarelli for an Extension of Time to Answer or Otherwise Plead in Response to the First Amended Complaint.

/s/ Anthony G. Flynn
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Attorney for Defendant
Catholic Diocese of Wilmington, Inc.

DATED: August 27, 2007

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O R D E R

IT IS HEREBY ORDERED this _____ day of _____, 2007, that the Motion of Defendants Catholic Diocese of Wilmington, Inc., and Bishop Michael A. Saltarelli for an Extension of Time to Answer or Otherwise Plead in Response to the First Amended Complaint, extending such time until September 12, 2007, is **GRANTED**.

J.